

MESSAGE NO: 3135302 MESSAGE DATE: 05/15/2013

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE: CTDIS-Court ORD Dissolved

FR CITE: FR CITE DATE:

REFERENCE 9238202, 1087301
MESSAGE #
(s):

CASE #(s): A-462-819

EFFECTIVE DATE: 05/15/2013 COURT CASE #: 09-00349

PERIOD OF REVIEW: 04/01/2007 TO 03/31/2008

PERIOD COVERED: TO

Notice of Lifting of Suspension Date: 05/15/2013

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Liquidation instructions for magnesium metal from the Russian Federation produced and/or exported by PSC VSMPO-AVISMA Corporation for the period 04/01/2007 through 03/31/2008 (A-462-819)

Notice of the lifting of suspension occurred on the message date of these instructions. See paragraph 4 below.

1. On 02/08/2013, the U.S. Court of Appeals for the Federal Circuit issued a final decision in the case of PSC VSMPO-AVISMA Corp. v. United States (Court number 09-00349). As a result of this decision, the injunction to which message 9238202 (dated 08/26/2009) refers enjoining liquidation of entries which are subject to the antidumping duty order on magnesium metal from the Russian Federation for the period 04/01/2007 through 03/31/2008 produced and/or exported by PSC VSMPO-AVISMA Corporation (a.k.a. VSMPO –AVISMA Corporation, a.k.a. AVISMA Magnesium Titanium, a.k.a. JSC AVISMA Magnesium-Titanium Works) (AVISMA) dissolved on 05/10/2013.

2. For all shipments of magnesium metal from the Russian Federation produced and/or exported by AVISMA (A-462-819-001), imported by or sold to (as indicated on the commercial invoice or Customs documentation) the firm listed below, and entered, or withdrawn from warehouse, for consumption during the period 04/01/2007 through 03/31/2008, assess an antidumping liability equal to the percentage listed below of the entered value:

Importer or customer: VSMPO-Tirus, U.S., Inc.

Final rate: 43.58%

3. As a result of Commerce's clarification of its assessment regulation on 05/06/2003 (68 FR 23954), for all shipments of magnesium metal from the Russian Federation, produced by AVISMA, entered, or withdrawn from warehouse, for consumption during the period 04/01/2007 through 03/31/2008, entered under case number A-462-819-001, and not covered by paragraph 2, assess antidumping duties at the all-others rate in effect on the date of entry. The all-others rate for magnesium metal from the Russian Federation is 21.01 percent.

4. These instructions constitute notice of the lifting of suspension of liquidation of entries of subject merchandise covered by paragraphs 2 and 3. Accordingly, notice of the lifting of suspension occurred on the message date of these instructions. The antidumping duty order on magnesium metal from the Russian Federation was revoked effective 04/15/2010 (see message no. 1087301, dated 03/28/2011).
5. There are no injunctions applicable to the entries covered by this instruction.
6. The assessment of antidumping duties by CBP on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP pay interest on overpayments or assess interest on underpayments of the required amounts deposited as estimated antidumping duties. The interest provisions are not applicable to cash or bonds posted as estimated antidumping duties before the date of publication of the antidumping duty order. Interest shall be calculated from the date payment of estimated antidumping duties is required through the date of liquidation. The rate at which such interest is payable is the rate in effect under section 6621 of the Internal Revenue Code of 1954 for such period.
7. Upon assessment of antidumping duties, CBP shall require that the importer provide a reimbursement statement, as described in section 351.402(f)(2) of commerce's regulations. The importer should provide the reimbursement statement prior to liquidation of the entry. If the importer certifies that it has an agreement with the producer, seller, or exporter, to be reimbursed antidumping duties, CBP shall double the antidumping duties in accordance with the above-referenced regulation. Additionally, if the importer does not provide the reimbursement statement prior to liquidation, reimbursement shall be presumed and CBP shall double the antidumping duties due. If an importer timely files a protest challenging the presumption of reimbursement and doubling of duties, consistent with CBP's protest process, CBP may accept the reimbursement statement filed with the protest to rebut the presumption of reimbursement.
8. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by O1: HP.)
9. There are no restrictions on the release of this information.

Michael B. Walsh

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party